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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,825	06/08/2006	Johann Huber	ZITP03P01572	6237
24131 7590 01/05/2009 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480				
EXAMINER				
PAIK, SANG YEOP				
ART UNIT		PAPER NUMBER		
3742				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,825

Applicant(s)

HUBER, JOHANN

Examiner

SANG Y. PAIK

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17, 19-21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Husslein et al (GB 2125537).

Husslein shows the household appliance claimed including a formed operating strip of a solid material for containing at least one operating element in its recess and having a supporting surface for supporting the household appliance such as a cooktop appliance to a worktop, the operating strip for supporting the household appliance at a first side of the household appliance, and the circumferential edge around the remaining sides of the household for supporting the household appliance on the worktop.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Husslein et al (GB 2125537) in view of Vilato et al (US 6,492,623) or Germain ref (8232895).

Husslein shows the operating strip claimed except the strip having a material thickness that changes.

Vilato or the German reference '895 (Figure 26) shows a household appliance having an operating strip with a material thickness that changes in dependence on a given requirement or desire.

In view of Vilator or the German reference '895, it would have been obvious to one of ordinary skill in the art to adapt Husslein with the strip having a variable thickness as desired to conveniently house or contain the operating elements as well as to sufficiently provide the support to mount the household appliance to a worktop.

5. Claims 22, 23 and 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husslein et al (GB 2125537) in view of Steiner et al (US 5,844,206) or Scheidler et al (US 4,453,533).

Husslein shows the household appliance including a trough or housing (12) that is in abutment with the operating strip but does not show a housing-side fixing flange

Steiner shows a housing-side fixing flange (5a, 5b, 15a) wherein the fixing flange is in abutment with a strip/frame that supports a household appliance. Steiner further shows a plug in portion on the flange that engages with a plug in recess to allow a lock in formation. Scheidler also shows that it is known in the art to provide a housing side flange to come in abutment with a strip/frame that supports a household appliance. Scheidler also shows a screw to securely attach the frame member to the housing-side flange.

In view of Steiner or Scheidler, it would have been obvious to one of ordinary skill in the art to adapt Husslein with a fixing flange to securely attach the household appliance to the operating strip which supports the household appliance to the worktop with a plug in or screw or any other suitable means to form a secured mounting of the housing to the operating strip.

With respect to the arrangement of the mounting recess and the recess for the operating elements, it would have been obvious to one of ordinary skill in the art to arrange such recesses in a row or in any arrangement to allow a secure mounting means while conveniently providing for the operating elements.

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

The applicant arguments regarding the Vilato reference are also considered but are not deemed persuasive. Since such arguments may also be applicable to the newly applied art Husslein, the applicant's arguments are also considered in light of the newly applied art Husslein.

The applicant argues that since the frame member of Vilato provides the support for a cooktop to a worktop rather than the cooktop itself to the worktop, the recited claim is distinguished over the art. But, it is noted that the scope of the claim does not limit the use of a frame along with a cooktop itself because the claim uses the transitional phrase "comprising" which allows for an open-ended claim scope. Since the claim does not limit the use of a frame to provide a mounting support of the cooktop to a worktop, the

structure of Vilato or Husslein clearly meets the recitation of the household appliance being supported on the worktop wherein the circumferential edge of a cooktop is supported to the worktop via a frame.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (8:00:0-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sang Y Paik/

Primary Examiner, Art Unit 3742